

BERNALILLO COUNTY BOARD OF REGISTRATION

**COPY**

TRANSCRIPT OF PROCEEDINGS  
MEETING

March 13, 2015  
10:10 a.m.  
Albuquerque-Bernalillo County Government Center  
Sixth Floor  
Albuquerque, New Mexico

PRESENT:

JOHN DORAN, Chair  
SAMUEL CARNES, Member  
BRUCE BARNABY, Member  
MAGGIE TOULOUSE OLIVER, County Clerk  
LEAH PERSONS, Alternate Member  
BRANDON WALTERS, Alternate Member  
ROMAN MONTOYA, Deputy Clerk  
REBECCA MARTINEZ, Administrator  
OLIVIA BOLDEN, Coordinator

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1 CHAIR DORAN: Having verified that  
2 everybody is doing their due diligence examining this  
3 information, if there are no objections, we will convene  
4 this meeting.

5 Seeing none, this meeting is called to  
6 order. We won't bother to do roll call or verify a  
7 quorum because we can see everybody here, and everybody  
8 knows everybody.

9 Let the record reflect that there is a  
10 quorum.

11 DEPUTY CLERK MONTOYA: Great. Mr. Chair,  
12 is it okay if we -- the first thing, has everyone had a  
13 chance to approve the minutes, the three members of the  
14 Board? If you've had a chance to review them and there  
15 is nothing outside the ordinary, if you would like to  
16 approve them, just get a motion, a second, and vote on  
17 that.

18 CHAIR DORAN: Well, let's go ahead. And  
19 we'll do a motion first, and then we'll do discussion.

20 DEPUTY CLERK MONTOYA: Sure.

21 CHAIR DORAN: Okay. Do I have a motion?  
22 Bruce?

23 ALTERNATE MEMBER WALTERS: So moved.

24 CHAIR DORAN: Oh, okay. We have a motion,  
25 and we have a second.

1 Any objections?

2 MEMBER CARNES: Discussion?

3 CHAIR DORAN: It's on the floor for  
4 discussion.

5 MEMBER CARNES: The first small item, the  
6 minutes reflect, and I think some of the emails reflect  
7 22,569.

8 DEPUTY CLERK MONTOYA: What page are you  
9 on?

10 MEMBER CARNES: On the list. Well, the  
11 first place that shows up is page 5, last full  
12 paragraph. That is 22,569. But the data that I  
13 received from your office was only 22,562.

14 DEPUTY CLERK MONTOYA: Yes. And we'll go  
15 over why that change is happening.

16 MEMBER CARNES: Okay. That's fine.

17 We've already discussed the difference  
18 between junk drives and jump drives.

19 CHAIR DORAN: That's cosmetic.

20 MEMBER CARNES: At best.

21 CHAIR DORAN: At best.

22 MEMBER CARNES: And I assume the 72-hour  
23 notice went out?

24 DEPUTY CLERK MONTOYA: Yes, it did.

25 MEMBER CARNES: Let's see. Where is it? I

1 don't know what my notes were on that. Oh, I know what  
2 it was.

3 When I handed out the theoretical motion, I  
4 said, "I have no pride of ownership." It says, "I have  
5 pride of ownership."

6 So at a minimum, if we just correct --  
7 that's at the top line of page 57. Again, at best a  
8 cosmetic thing. And those were my only notes.

9 So there should be a "no" inserted in  
10 there.

11 DEPUTY CLERK MONTROYA: A "no" inserted?

12 CHAIR DORAN: Any other discussion?

13 Seeing no discussion --

14 MEMBER CARNES: It should be approved as  
15 corrected or edited.

16 CHAIR DORAN: Yeah. Entertain a motion to  
17 approve as corrected and seconded.

18 MEMBER CARNES: So moved.

19 CHAIR DORAN: And if there are no  
20 objections, so ordered. Done.

21 I assume Discussion pertains to discussion,  
22 rather than discussion?

23 MEMBER BARNABY: Excuse me, Mr. Chairman.  
24 Were you combining his amendments to that along with a  
25 vote to approve?

1 CHAIR DORAN: Yeah. We just voted on the  
2 one amendment.

3 MEMBER CARNES: Okay. I don't approve  
4 because I didn't have an opportunity to actually review  
5 these minutes. So I just want to be recorded as not  
6 having voted at all.

7 CHAIR DORAN: Okay. Note taken.

8 DEPUTY CLERK MONTOYA: So Mr. Chair, if  
9 it's okay, can I have the floor for a moment?

10 CHAIR DORAN: Sure.

11 DEPUTY CLERK MONTOYA: What I'd like to do  
12 is kind of go over a couple of items that have been  
13 brought up in the meantime since we last met on Tuesday.

14 We reran the report with the fields that  
15 were requested, the date of birth, the Senate districts,  
16 House of Representative districts and precincts.

17 When we ran it, we came up with seven  
18 numbers shorter than we did the first time. We couldn't  
19 figure out why. I told everybody I was going to get you  
20 the minutes that night. I spent about seven hours that  
21 night trying to figure out why we were short seven.

22 The reason we were short seven is four of  
23 those people have been deceased. We ran a deceased list  
24 that Friday before that on 3/5. 3/5, in the morning, is  
25 when we actually ran this report, the initial 2014 Purge

1 Report that we went over in here on Tuesday.

2 Later that day we ran the Deceased Report  
3 that we normally get from the Secretary of State's  
4 Office. And it had four of these people who are on this  
5 22,569 list, so they got removed automatically. So the  
6 Board doesn't have to do anything with those four  
7 people.

8 We've had three people who mailed in cards  
9 that week that actually -- once you mail in a card and  
10 you get some correction, that takes you out of the  
11 status. And those people have been reactivated. We are  
12 making copies of everybody right now, just to let you  
13 know.

14 What I'm willing to do is show you, I  
15 believe, what we have right here -- if I brought it with  
16 me.

17 MEMBER BARNABY: Was there a time limit on  
18 that card? Did they --

19 CHAIR DORAN: No.

20 MEMBER BARNABY: No? Open-ended?

21 DEPUTY CLERK MONTROYA: No. They can just  
22 bring in the card.

23 If someone on the list that we're going  
24 over today, right now, comes in and fills a new card  
25 out, then they're reactivated. You guys can't touch

1    them at that point. We can try to purge them, but they  
2    won't be flagged as purged when we go to actually do it.

3                   So anybody who's come in since we ran this  
4    report on Tuesday could possibly have had some changes.  
5    There shouldn't be any. There won't be any more  
6    deceased people because that was one big report that we  
7    ran. We had 200 or 300 people on that list. And just  
8    by coincidence, four of them were actually on the purge  
9    list anyway. So I hope that explains the seven people.

10                  I will show you -- my assistant is making  
11   some copies right now of the information.

12                  We have another issue that came up. Are  
13   there any questions on that before I move on to the next  
14   one?

15                  MEMBER BARNABY: The idea of those people  
16   returning those cards who return them anytime, there's a  
17   potential problem in there. What if they decide to  
18   return that card in July?

19                  DEPUTY CLERK MONTOYA: Then we'll  
20   reregister them in July.

21                  MEMBER BARNABY: But in the meantime,  
22   they're going to be in limbo for a while. And if they  
23   learn about that while they're -- they think they're  
24   still registered to vote --

25                  DEPUTY CLERK MONTOYA: They're not in

1 limbo. They'll be purged.

2 MEMBER BARNABY: They're out. That's what  
3 I mean. But from their point of view, they are?

4 DEPUTY CLERK MONTTOYA: Yeah.

5 MEMBER BARNABY: But anyhow, that is a  
6 potential problem. That's the first time I've heard of  
7 a really concrete thing, although very unlikely, that  
8 would be a reason for a voter to be really upset.

9 DEPUTY CLERK MONTTOYA: Yeah. Seven people  
10 out of --

11 MEMBER BARNABY: Right. It'll be a small  
12 number.

13 DEPUTY CLERK MONTTOYA: -- 22,569 is less  
14 than one half of one quarter of 1 percent.

15 ALTERNATE MEMBER PERSONS: They will not be  
16 disenfranchised.

17 DEPUTY CLERK MONTTOYA: And they will not  
18 be. Those three people who are legitimately back on,  
19 they're on. That's why you don't see them in the second  
20 database that we ran.

21 And if I ran it again today, maybe there's  
22 a possibility it could change one or two on that. But  
23 once we do actually get direction from you to run that,  
24 if there was somebody who was on that list who was taken  
25 off between Tuesday or re-added to the active status



1 between last Tuesday and today, those people will not be  
2 purged.

3 MEMBER CARNES: So that would go to maybe  
4 the phraseology of the motion. Because if we say you  
5 have to purge the entire list as attached, that may or  
6 may not be factual when you actually push the button to  
7 remove.

8 DEPUTY CLERK MONTTOYA: You could --  
9 technically, it's not going to make a difference either  
10 way. If you give instruction to purge the 22,562 now,  
11 and it ends up being 561 because let's say one other  
12 person comes in here, that's not going to change the  
13 direction you gave us. Because you gave us direction to  
14 do the list as presented to you, which is what we have  
15 presented to you.

16 MEMBER CARNES: Okay.

17 DEPUTY CLERK MONTTOYA: And that list does  
18 take a while to generate. That's why we only run it one  
19 time.

20 MEMBER CARNES: Okay.

21 DEPUTY CLERK MONTTOYA: What I would like to  
22 do, if it's okay, is show you the difference between the  
23 two so that way you can understand.

24 This is the initial one I gave you on  
25 Tuesday -- or the one that I showed you, I'm sorry, on

1 Tuesday. And what you'll notice, the count down here on  
2 the bottom will tell you 22,570. The reason it says  
3 570, the first line is a header. So there's actually  
4 22,569. That's the one we've been working with the  
5 entire time.

6 This second one is the one that has all of  
7 the new fields that you requested. This is going to be  
8 22,563. Take away the top, and now it's 22,562. So the  
9 difference is those seven people.

10 I will show you the seven people. We can  
11 look them up on the original database to show that they  
12 were there when we presented it. That way, you guys can  
13 have any doubts alleviated.

14 Then we'll come to the new database with  
15 the reduced seven people. We'll search for those  
16 people, and they won't be found. That's how you'll know  
17 they've been taken out. I've done this 1,000 times  
18 since Tuesday, so I'm 100 percent confident this is  
19 going to work.

20 So are there any questions regarding those  
21 seven people or the differences that differentiate  
22 between the numbers?

23 MEMBER CARNES: No.

24 DEPUTY CLERK MONTROYA: Okay. We have had  
25 another issue that was brought to our attention. Sam

1 had brought this up, and I wanted to share it with  
2 everybody here as well. There are a couple of people  
3 right now who Sam had gotten information from that  
4 possibly should have been added to the purge list. And  
5 there was a question as to if they were supposed to be  
6 on it or not.

7 I've been doing research last night and  
8 this morning. We can't figure out what this person's  
9 actual status actually is, if that person -- these two  
10 people, if they were actually supposed to be added or  
11 not added.

12 We have turned this over to the Secretary  
13 of State's Office for direction for these two particular  
14 individuals. We have yet to hear back. We did tell  
15 them this morning that we had a meeting at 10:00 and  
16 that we would like to have it resolved.

17 So we're starting to do some research on  
18 our side by calling them just to say, "Hey, what's going  
19 on," so we can either include these two or rightfully  
20 not include them if they weren't supposed to be on here,  
21 whichever way.

22 So hopefully, by the time our meeting is  
23 over, we'll have an answer on these two particular  
24 individuals.

25 MEMBER BARNABY: I'd just like to ask Sam

1    how you came by this information?  That's pretty unique  
2    that --

3                   MEMBER CARNES:  They were given to me by a  
4    constituent.

5                   MEMBER BARNABY:  As to what, that they  
6    thought that they were on the purge list already?

7                   MEMBER CARNES:  They thought they should be  
8    purged, and he just asked if they were on the list.  I  
9    couldn't find them on my list.

10                  The most recent county-wide list that I had  
11    was after the 2012 primary.  I looked on there, and they  
12    were still on there.  One of the people had never voted,  
13    ever, since she registered.  The other one voted up  
14    through 2004.

15                  So I didn't know if they had come off after  
16    my last countywide list or if they had sent in a card or  
17    whatever.  So I emailed Roman late last night saying,  
18    "Here's the information.  Can you give me some idea of  
19    what's going on with these two people?"

20                  [Madame Clerk Toulouse entered the room.]

21                  ALTERNATE MEMBER PERSONS:  You also have  
22    the neighbors, you know, that anecdote, you know, that  
23    they've moved out.  You know, the daughter has grown up  
24    and gone away --

25                  MEMBER CARNES:  Before we get started

1 again, if I could just take a moment for some editorial  
2 things.

3 I want to thank the Chair very much for  
4 requesting the additional information and an electronic  
5 file. I'm not a very good statistician, but I probably  
6 spent 20 hours going through the entire list  
7 name-by-name, address-by-address to see if there was  
8 anything unusual, strange or what have you, and have we  
9 done what I thought I wanted to do originally, just sit  
10 there and look at them on the board real quick.

11 I would have never had the confidence level  
12 that I have today that the list is good.

13 [Ms. Bolden entered the room.]

14 ALTERNATE MEMBER PERSONS: Roman, thank you  
15 for the work.

16 MEMBER CARNES: Thank you very much to the  
17 staff for your work. I was very appreciative. And I  
18 want to thank the Chair for doing that. That's what  
19 experience leads you to.

20 DEPUTY CLERK MONTTOYA: Well, we're glad  
21 because we've learned some more, and we have these seven  
22 people.

23 I kind of want to catch Maggie and Olivia  
24 up on what's been going on. There's a difference of  
25 seven people between the first initial list that we did

1 and the second list. And it's because four of the  
2 people have been deceased, and three of the people have  
3 brought in new cards to update themselves. So there's a  
4 difference of three people.

5 And here for the Board, Mr. Chairman, if  
6 you would like to look at it, those are the people. And  
7 we will go ahead and do what we were talking about,  
8 looking them up just to make sure they're on one list  
9 and not the other list.

10 CHAIR DORAN: Okay.

11 DEPUTY CLERK MONTOYA: Then there was the  
12 issue of two people that Sam brought to my attention  
13 last night, which we're still looking at the situation.  
14 Those are not on either list. We're not sure if they're  
15 supposed to be or not supposed to be, but that's kind of  
16 where we're at right now.

17 MEMBER CARNES: Thank you.

18 MS. BOLDEN: Rebecca and I know why they  
19 weren't on the list. Because the Secretary of State,  
20 when they did a mailing, they never made them  
21 undeliverable so that -- I mean they never made them  
22 NVRA, you know, undeliverable, so that they could be  
23 inactive and then be caught up in the mail.

24 So they did something on 7/30 that was an  
25 undeliverable mailing. And they should have changed it

1 to inactive at that time, and it wasn't. And then they  
2 sent out the mailing on the 1st, and they weren't  
3 included.

4 MADAME CLERK TOULOUSE: So they never  
5 received the confirmation mailing, the initial one in  
6 2012?

7 MS. BOLDEN: No, they didn't.

8 MADAME CLERK TOULOUSE: So then regardless  
9 of whether they should have or not, if they didn't  
10 receive the confirmation mailing, my advice to you all  
11 is, unfortunately, you can't consider that.

12 CHAIR DORAN: Yeah. They're not eligible  
13 to purge by the rules.

14 MEMBER CARNES: Mr. Chairman, on the  
15 mailing on 7/30 by the Secretary of State, or the  
16 preparation, were there more than just those two?

17 MS. BOLDEN: Well, those are the only two  
18 we're aware of right now. They didn't change the flag  
19 to NVRA. You know, they didn't put them in the NVRA  
20 process.

21 MEMBER CARNES: Okay. There may be others.  
22 But you just don't know at this point in time; is that  
23 generally correct?

24 MS. BOLDEN: Right.

25 MEMBER CARNES: Thanks.

1 MS. BOLDEN: But they got a mailing in  
2 2014.

3 MEMBER CARNES: So somebody will deal with  
4 them in a couple of years.

5 DEPUTY CLERK MONTTOYA: The 2017 cycle will  
6 catch them.

7 Mr. Chairman, how would you like to proceed  
8 with what we have so far then?

9 CHAIR DORAN: Well, first let's have some  
10 quick -- since we're on discussion anyway, any  
11 discussion on those two or the --

12 MEMBER CARNES: No, not on those two. I  
13 think it might be helpful for the next board, as I was  
14 thinking about this, to -- and I don't know what the  
15 capability is in the Clerk's Office to do statistics.  
16 But from this purge to the next, maybe track how many  
17 deceased people were removed, how many felons were  
18 removed, how many felons were put back on, some general  
19 range of statistics.

20 I think that kind of data would be  
21 generally helpful for the public to know what's going on  
22 and that, you know, we're not just sitting around,  
23 waiting every two years to do something.

24 Those of us that have some inside  
25 information, if you will, or come to these meetings have



1 a clue. But the general public has no idea what the  
2 Clerk's Office does and the day-to-day tasks that you  
3 all do.

4 So I think some kind of ongoing statistics,  
5 publish them in the newspaper or anything else, but you  
6 know, have them available if anybody asks. Because I  
7 get asked questions, having served two years ago and  
8 this year, you know, how many have been removed before  
9 we get to this meeting. I don't know. And I think  
10 something like that might be helpful.

11 I ran, and I didn't get the -- here's a  
12 couple more copies. Like I said, once I started looking  
13 at the electronic file, you know, I just about called  
14 Mr. Doran -- but I thought, no, that would be a  
15 violation of the Open Meetings Act -- to thank him, you  
16 know, for requesting the electronic file. Because it  
17 was very helpful for me to sort by parties, House  
18 districts, Senate districts, gender, communities. I did  
19 quadrants.

20 I did find nine voters who were registered  
21 twice at the same location. On each of those nine there  
22 was a difference in a middle initial on this list or  
23 there was a difference in birthdates by one or two  
24 years. And I thought that was a little unusual.

25 When I did my -- where they lived,

1 apartments or mobile homes or whatever, it came up --  
2 once I saw the list, I was not surprised -- heavy in  
3 apartment people, compared to single-family homes.

4 I thought the age was somewhat interesting.  
5 The oldest person being purged was born in 1901. The  
6 youngest was born in 1994.

7 MEMBER BARNABY: Those are probably pretty  
8 clear, aren't they?

9 DEPUTY CLERK MONTOYA: Let's just hope they  
10 haven't voted. That's all.

11 MEMBER CARNES: I didn't see any votes.  
12 But again, I didn't have anything past 2000 -- primary  
13 2012.

14 Quadrants, all of that came out about what  
15 I thought. I then did, but I didn't type it up, I ran  
16 105 or so precincts, including all in my district, to  
17 see if there was anything unusual.

18 And I spent more time on my district  
19 because I'm familiar with it demographically. And it  
20 had -- the results came up pretty much what I thought  
21 they might, without looking at any numbers, higher in  
22 those areas where there's a lot of multifamily, higher  
23 where there's a lot of newer starter homes, as opposed  
24 to more established neighborhoods like the Valley and so  
25 forth.

1                   So I did not see any trends, discrepancies  
2 or anything else that would indicate to me, other than  
3 this system seems to be consistent across the board in  
4 terms of ratios.

5                   Again, I didn't run ratios. But just  
6 looking at numbers by legislative districts and senate  
7 districts, compared to precincts in those areas, it all  
8 seemed to fit about what I would have anticipated  
9 walking in the door.

10                  MADAME CLERK TOULOUSE: Mr. Chairman, Sam,  
11 thank you for putting this together. This is extremely  
12 insightful information. And I agree with you in sort of  
13 looking at, you know, just general statistics here that,  
14 you know, the list itself doesn't seem to have any  
15 patterns that are jumping out as being unusual.

16                  The party representation is, you know,  
17 quite proportional to registration, et cetera.

18                  I do want to comment, without looking  
19 specifically at the nine voters who are registered twice  
20 at the same location, if you wouldn't mind providing us  
21 with that so we can look into it a little further.

22                  What I will tell you, though, off the top  
23 of my head is we have a couple of things that can occur,  
24 and Olivia can elaborate on that if I don't do it  
25 justice. You don't have access to the Socials and the

1 data that we gave you, so obviously we're not going to  
2 register somebody with the same social or with the same  
3 name and almost the same Social. That's a red flag to  
4 us generally to --

5 MEMBER CARNES: And they weren't exact.

6 MADAME CLERK TOULOUSE: Right.

7 MEMBER CARNES: Everyone had, you know, the  
8 Mr. and Mrs. was all consistent. But it would have been  
9 Mary M. or Mary Jones.

10 MADAME CLERK TOULOUSE: Right.

11 MEMBER CARNES: And some of them would have  
12 been Ben Smith and Ben Smith, but a two-year difference  
13 in age. I just wrote them down --

14 MADAME CLERK TOULOUSE: Oh, perfect.

15 MEMBER CARNES: -- and that's the only copy  
16 I have. I didn't print them out, but you can look them  
17 up on the list by name.

18 I may have analyzed the data wrong, but I  
19 think that's pretty close.

20 MADAME CLERK TOULOUSE: You probably  
21 didn't.

22 What I wanted to say is, you know, it's  
23 entirely possible that we have duplicates in the system  
24 for a variety of reasons. We have weird anomalies. We  
25 have -- I mean obviously, you know, with the father/son,

1     you know, same name, different middle initial.

2                   A lot of our older registrants -- and this  
3     is becoming less and less frequent as we progress  
4     through time. But a lot of our older registrants, you  
5     know, the wife registered under the husband's name  
6     originally --

7                   MEMBER CARNES: I've seen that.

8                   MADAME CLERK TOULOUSE: -- and that can be  
9     the difference in a couple of years of date of birth.

10                  The wife even could have registered using  
11     the husband's Social. Or back in certain periods of  
12     time, we didn't require a Social, and they could have,  
13     you know, never moved in fifty years.

14                  So there are weird -- you know, just things  
15     that you wouldn't necessarily know unless you are kind  
16     of working with this data day in and day out. That  
17     being the case, I mean this is useful. But they're  
18     getting purged.

19                  MEMBER CARNES: Yeah. And obviously, none  
20     of them had a voting history through what we were -- you  
21     know, like on some of them I looked at on my countywide  
22     list. And there may be some of those that were  
23     Mrs. John Smith, but I tried to weed that out. But  
24     that's not inconsistent when I walk neighborhoods.

25                  MADAME CLERK TOULOUSE: Sure.

1                   MEMBER CARNES: You find, you know,  
2 especially in people my age or older, you know, they've  
3 registered twice. "Well, I don't know if I'm registered  
4 or not, so let me fill out another card." You know, "I  
5 think I used my middle initial, but I don't know."

6                   So I wasn't aghast at that number. I just  
7 went, "Okay."

8                   MADAME CLERK TOULOUSE: I didn't think you  
9 were.

10                  MEMBER CARNES: You know, the only other  
11 one that I thought was unusual, and there was one  
12 individual who didn't have a street address, but his  
13 description was he lives at the landfill.

14                  DEPUTY CLERK MONTTOYA: I saw that.

15                  ALTERNATE MEMBER PERSONS: And that's  
16 permitted. That's absolutely permitted.

17                  CHAIR DORAN: Some of the voter registrar  
18 destructions.

19                  MADAME CLERK TOULOUSE: Mr. Chair and Sam,  
20 thank you. You didn't appear aghast, and I wasn't --  
21 you know, I like the opportunity to have this discussion  
22 to kind of talk about these things on the record.  
23 Because a lot of times I think that people look at voter  
24 registration data and see things like this and sort of  
25 immediately assume there are sort of nefarious reasons

1 for it, and that really isn't always the case.

2 I will tell you that a lot of these issues  
3 are legacy issues, and they stem from really old data in  
4 a lot of cases, or they are legacies of the old systems  
5 that we use.

6 Nowadays our system is such that, you know,  
7 it's really hard for us to create new data that's  
8 inconsistent, you know, with the older stuff. And not  
9 just the system, but the process that we use.

10 You know, moving forward, our data is going  
11 to just get cleaner and cleaner the more tools we use.

12 We have a lot of registration bills in the  
13 session that will give us even more tools going forward.  
14 But I think that we're unfortunately, you know, still  
15 kind of dealing with it. But Olivia can tell you off  
16 the top of her head how many duplicates are in the  
17 system. I mean she runs reports constantly, trying to  
18 conduct maintenance and clean up our lists.

19 Anyway, I'm glad you brought it up because  
20 I think it's a great opportunity to kind of just chat  
21 about this stuff so that everyone is aware.

22 ALTERNATE MEMBER PERSONS: Mr. Chairman,  
23 may I ask Maggie a question?

24 CHAIR DORAN: Please.

25 ALTERNATE MEMBER PERSONS: On the ERIC

1 system that you are interested in mentioned in the  
2 minutes of the last meeting, would that give the  
3 demographics that Sam thought would be helpful? Would  
4 you be able to track the demographics through the ERIC  
5 system?

6 MADAME CLERK TOULOUSE: Mr. Chairman and  
7 Leah, I have not seen an ERIC report. I have not seen  
8 an example of what they produce on a monthly basis for  
9 the jurisdictions that are using it currently.

10 But what we do now, and I was going to  
11 mention this when Sam brought it up, is that we're  
12 required by law currently to provide each party chair on  
13 a monthly basis with -- you know, technically it's  
14 additions, deletions and changes. But what we do is we  
15 provide a full list on a monthly basis because for  
16 practical reasons, just sending a party chair a list of  
17 deletions and additions and changes wasn't very  
18 practical.

19 I know Olivia, those are the kind of  
20 maintenance reports that she can run regularly. You  
21 know, they certainly are public information, and they  
22 certainly are, you know, data that we can provide at  
23 anyone's request.

24 MEMBER CARNES: Again, I don't have a wide  
25 range of people that I discuss voter registrations with.



1 But I think --

2 MADAME CLERK TOULOUSE: Really?

3 MEMBER CARNES: Yeah.

4 -- but people do ask the questions. "Well,  
5 if we haven't purged since 2000 and whenever, is it  
6 going to be a huge list?"

7 "I don't know. I'll let you know when I  
8 get it," and a lot of those kinds of questions. And I  
9 think having some statistical stuff that when somebody  
10 asks the question, you're going to hand them a piece of  
11 paper and say, "In the last 12 months, here's the number  
12 deaths, the number of whatever, move-ins, move-outs kind  
13 of thing."

14 Mr. Chairman, two last little items -- and  
15 I think I just had a senior moment. I probably forgot  
16 both of them.

17 MADAME CLERK TOULOUSE: You sound like me,  
18 Sam.

19 ALTERNATE MEMBER PERSONS: Well, after  
20 going through this database, both of you must be a  
21 little squirrely.

22 MEMBER CARNES: Or more squirrely.

23 The other thing that I did for my own  
24 benefit -- because from time to time I hear, "Well,  
25 gosh, somebody's out registering 5,000 people, hundreds

1 of people, at a certain address."

2                   So when I was going through this list  
3 twice, address-by-address, I didn't see any duplicate  
4 registrations in strange places. I did see nine or  
5 seven people at St. Martin's that were being purged, but  
6 I looked at each one of those individually. They were  
7 registered at over four different calendar years and I  
8 think five or six different calendar months. There may  
9 be others on the active list, but I mean there wasn't  
10 any widespread -- anything there.

11                   I also manage a large apartment project.  
12 And I looked at those, and there was like 10 or 12  
13 people being purged. One of them still lives there. I  
14 don't know why she hasn't voted, other than she  
15 certainly has some challenges. And when we're done,  
16 I'll -- the next time I'm up there, I'll go knock on her  
17 door and say, "Hi. Do you want to reregister to vote?"

18                   My guess is she'll probably say no.  
19 Because I've offered registration to everybody in the  
20 project four or five times over the last five years, and  
21 I may get one person. And I know they're not all  
22 registered to vote. They'll just say, "No, it doesn't  
23 matter. I'm too old. I don't want to go. I don't  
24 care," any number of reasons that you see in the general  
25 public.

1                   But again, I found very few addresses that  
2   had multiple registrations, other than family types and  
3   something that you would see out walking neighborhoods  
4   where you go up to a door and, you know, the Smiths  
5   lived there eight years ago. They're still on the list.  
6   The Joneses live there today, and they're still there.  
7   The system gets rid of those.

8                   Anyway, I thank you for your time,  
9   Mr. Chairman.

10                  CHAIR DORAN: Any other discussion?

11                  It's an open meeting. Come on, guys.

12                  ALTERNATE MEMBER PERSONS: Mr. Chairman and  
13   Maggie and all of you, I want to tell you how much faith  
14   I have in the weekly work that Olivia does and the  
15   oversight that Rebecca and Maggie do and the studying of  
16   the statutes upon which this board is now working. And  
17   I have full faith, after your due diligence, the  
18   Chairman's and Sam's due diligence, plus my looking over  
19   the database, the reports and the minutes, that what  
20   we're here to do today can be done.

21                  I would also like to state that with the  
22   effectuation of what we're doing today, we can quell  
23   some of those rumors and accusations that I have to deal  
24   with on a monthly basis when I go to the meetings. Most  
25   people don't know the parameters under which this board

1 works.

2 I also think the Secretary of State has  
3 done her job minus the two people that should have been  
4 flagged --

5 MADAME CLERK TOULOUSE: That's just weird.

6 ALTERNATE MEMBER PERSONS: -- but we are  
7 all homo sapiens, and I'm sure that that will be  
8 corrected.

9 That's all I wanted to say.

10 MADAME CLERK TOULOUSE: Thank you, Leah.

11 CHAIR DORAN: Is that a motion on your  
12 behalf that we commend the staff here of Bernalillo  
13 County?

14 MEMBER CARNES: I would certainly move --

15 ALTERNATE MEMBER PERSONS: I leave that to  
16 the Board to do.

17 CHAIR DORAN: I have a motion and a second.  
18 Is there any further discussion?

19 MEMBER CARNES: Thank you all.

20 CHAIR DORAN: Here, here.

21 [Applause.]

22 CHAIR DORAN: For the record, all those in  
23 favor?

24 Moving on, any further discussion?

25 MEMBER BARNABY: I would like to pick up

1 the opposite end of that situation that you described.  
2 You don't have 100 voters who live in a cemetery, for  
3 instance, as they do in Chicago, as claimed.

4 But I think that even if we miss one  
5 person, come two months or three months or the next  
6 election or some meeting that they go and say, "Well,  
7 you're not on the voter list anymore," we'll probably  
8 hear more about that one exception than we do of the  
9 other jillions that are handled properly. And I'm just  
10 afraid we ought to prepare ourselves for that  
11 possibility.

12 ALTERNATE MEMBER PERSONS: Mr. Chairman,  
13 may I speak to Mr. Barnaby's concern?

14 CHAIR DORAN: Please.

15 ALTERNATE MEMBER PERSONS: Having worked  
16 the polls, I know that every exception judge cannot turn  
17 away a voter. They will be given a provisional ballot  
18 and a voter registration form, and they will be allowed  
19 to vote.

20 And then down at the warehouse, the staff  
21 that Maggie has will go over that. And I'm sure if any  
22 name shows up on the inactive list -- because remember,  
23 we're putting them sort of in an inactive list -- that  
24 that would probably always side with not  
25 disenfranchising that particular voter.

1 CHAIR DORAN: Here, here.

2 Any other discussion?

3 Seeing none, let's move on to Action. This  
4 is where we have to basically direct the County Clerk to  
5 accomplish the purge as --

6 MADAME CLERK TOULOUSE: Directed?

7 CHAIR DORAN: Well, yeah, as directed. I'm  
8 trying to --

9 MADAME CLERK TOULOUSE: By statute?

10 CHAIR DORAN: Yeah, by statute and  
11 regulation and everything else, in order to keep the  
12 Secretary of State happy. Trust me, that's very  
13 important.

14 ALTERNATE MEMBER PERSONS: Are you going to  
15 second that? Is that a motion, Mr. Chairman?

16 CHAIR DORAN: No. I can't make a motion.  
17 Sam can.

18 MEMBER CARNES: Before we get to there, who  
19 will get a copy of the minutes automatically without  
20 request, besides this board?

21 DEPUTY CLERK MONTROYA: Just this board.  
22 And we file them here for the entire county, for every  
23 board it has. We will file them here initially.

24 MADAME CLERK TOULOUSE: And we'll provide  
25 one to the Secretary of State's Office as well.

1                   MEMBER CARNES: All right. I think it's  
2 important that we have some language in the minutes,  
3 which we do, that we've reviewed the list, we've  
4 discussed it in detail.

5                   I rewrote my five-page motion. I won't  
6 bring that back out again because we'll wordsmith that  
7 till tomorrow afternoon.

8                   Mr. Chairman, I would move that the  
9 Bernalillo County Clerk be directed to remove those  
10 persons appearing on the list of voters that are  
11 eligible to be removed. I'm looking for another word,  
12 but I think that probably could have a period at the end  
13 of it.

14                  CHAIR DORAN: So we want to direct the  
15 County Clerk to remove those voters eligible for purge  
16 from the existing database.

17                  Is that fairly-well stated?

18                  MADAME CLERK TOULOUSE: Mr. Chair, Sam, if  
19 I could make a suggestion?

20                  MEMBER CARNES: Please.

21                  MADAME CLERK TOULOUSE: Based on the --  
22 something about based on the data that you were provided  
23 and have reviewed.

24                  CHAIR DORAN: Yeah, and discussed and  
25 examined.

1                   MEMBER CARNES: Thank you.

2                   MADAME CLERK TOULOUSE: So I'm not sure if  
3 you want to reword that motion.

4                   ALTERNATE MEMBER PERSONS: Can I make a  
5 suggestion, Mr. Chairman, on the wording?

6                   CHAIR DORAN: Please.

7                   ALTERNATE MEMBER PERSONS: Given the fact  
8 that the County staff has made available both statutes  
9 and a list, which has been reviewed by the Board with  
10 all due diligence, and we are in compliance with all  
11 laws and statutes, that you make a motion to move that  
12 we purge the list given as of this date.

13                   CHAIR DORAN: Fair enough.

14                   MEMBER BARNABY: I think that's a little  
15 much. I think you've put too many ifs and ands in  
16 there.

17                   ALTERNATE MEMBER PERSONS: Oh. I gave some  
18 good --

19                   MEMBER BARNABY: I'd like to see that  
20 written out completely in front of me before I vote on  
21 that.

22                   CHAIR DORAN: But what it comes down to is  
23 we are all in agreement that the purge is going to  
24 happen. Whatever else we do today, that's the bottom  
25 line. We've got to accomplish that.



1                   So having determined that that is the case,  
2   how we got here probably should be part of that  
3   discussion or part of that motion. But the important  
4   thing is you've got the flag to do the deed.

5                   MEMBER CARNES: Mr. Chairman?

6                   CHAIR DORAN: Sir.

7                   MEMBER CARNES: Perhaps we should just  
8   request that the minutes reflect that the Board has  
9   reviewed the NVRA, applicable New Mexico statutes, the  
10   New Mexico Administrative Code, and that it is our  
11   opinion that the work of the County Clerk, Secretary of  
12   State and this Board are in full compliance with those  
13   items.

14                  And I think if the minutes reflect that,  
15   that would satisfy my need to be verbose and repetitive  
16   in the motion on those items.

17                  ALTERNATE MEMBER PERSONS: Make it simple.

18                  CHAIR DORAN: I'm good with that.

19                  Bruce?

20                  MEMBER BARNABY: I like that better. But  
21   I'm looking at what you wrote --

22                  MEMBER CARNES: You can throw that away.

23                  MEMBER BARNABY: Well, that particular  
24   paragraph I think is pretty good, actually.

25                  CHAIR DORAN: All the more reason, right?

1                   MEMBER CARNES: Which paragraph was that?

2                   MEMBER BARNABY: The last full paragraph at  
3 the bottom of the first page.

4                   MEMBER CARNES: Well, I'll read that. And  
5 I guess the question is: Do we want to -- that was a  
6 lead-in to citing the four items that said a voter was  
7 eligible for removal: If the voter was mailed a  
8 confirmation and currently inactive, has not updated --

9                   MEMBER BARNABY: I didn't want to include  
10 all that.

11                  CHAIR DORAN: That's pretty much the  
12 statute.

13                  MEMBER CARNES: That's pretty much the  
14 statute.

15                  So my last paragraph says, "Whereas the  
16 Board of Registration of Bernalillo County has reviewed  
17 the list of voters flagged as being eligible for removal  
18 from the voter file"; and then I say, "Applied the  
19 requirements of." And then I go on to say, "Therefore,  
20 the Bernalillo County Board of Registration directs the  
21 Bernalillo County Clerk to remove from the voter file  
22 all voters shown on the attached report of voters," so  
23 on and so forth.

24                  MEMBER BARNABY: That may or may not be  
25 necessary, but this one I think is simpler. The only

1 recommendation I would have is I would change the word  
2 "flagged" to "be identified."

3 CHAIR DORAN: I like it.

4 MEMBER CARNES: Should we try to write  
5 something out, or have the recorder read something back  
6 to us a couple of times?

7 MADAME CLERK TOULOUSE: Mr. Chair, Sam, if  
8 you would care to -- you know, not wanting to belabor  
9 this, I think making sure that the Board feels  
10 comfortable that you have everything included that you  
11 want to have included in the motion, I understand, is  
12 important.

13 If you would care to kind of start at the  
14 top, and I can make those notes. And then we can have a  
15 comprehensive motion to allow you all to --

16 ALTERNATE MEMBER PERSONS: Review?

17 MADAME CLERK TOULOUSE: -- review.

18 MEMBER CARNES: Mr. Chair, why don't you --  
19 maybe Mr. Barnaby would like to mark his up and give  
20 that to you, and then you can compile them together?

21 MEMBER BARNABY: I'm just looking for the  
22 last few words that you need, instead of going into this  
23 long part of it there.

24 What's the right terminology for what the  
25 County Clerk does as a result of that?

1 MADAME CLERK TOULOUSE: Cancel the  
2 registrations.

3 MEMBER BARNABY: Cancel the registrations?

4 MADAME CLERK TOULOUSE: Yes.

5 MEMBER BARNABY: Now, do we authorize that  
6 or approve it?

7 MADAME CLERK TOULOUSE: Correct.

8 MEMBER BARNABY: Authorize?

9 MADAME CLERK TOULOUSE: Correct.

10 MEMBER BARNABY: Now, the way I come up  
11 with this then is using most of Sam's words there and  
12 just adding that last part that just said what the  
13 action is: "Whereas the Board of Registration of  
14 Bernalillo County has reviewed the list of voters  
15 identified as being eligible for removal from the voter  
16 file and authorize the County Clerk to remove these  
17 voters."

18 ALTERNATE MEMBER PERSONS: That's simple.

19 CHAIR DORAN: I like it.

20 ALTERNATE MEMBER WALTERS: Yeah.

21 MADAME CLERK TOULOUSE: Mr. Chairman, it  
22 sounds like -- is that Mr. Barnaby's motion then?

23 CHAIR DORAN: Apparently that is  
24 Mr. Barnaby's motion, since we don't have a motion on  
25 the floor at this point, an official motion on the

1 floor.

2 MEMBER CARNES: And I would second that  
3 motion.

4 CHAIR DORAN: And since I'm not allowed to  
5 do anything, since we're already motioned and seconded,  
6 if there is no further discussion --

7 MEMBER CARNES: Maybe we can read it.  
8 Mr. Chairman, have the Clerk read it one last time just  
9 to make sure.

10 MADAME CLERK TOULOUSE: My notes say,  
11 Mr. Chairman, "Whereas the Bernalillo County Board of  
12 Registration has reviewed the list of eligible voters  
13 for cancellation, we therefore authorize the County  
14 Clerk to remove these voters from the voter registration  
15 rolls."

16 MEMBER CARNES: Thank you.

17 CHAIR DORAN: That's the motion on the  
18 floor. The question then is: All those in favor?

19 ALL MEMBERS: Aye.

20 CHAIR DORAN: All those opposed?

21 ALTERNATE MEMBER PERSONS: I would like it  
22 to reflect that the vote was unanimous.

23 CHAIR DORAN: Here, here. And the people  
24 that didn't get to vote, the alternates, were also in  
25 favor.

1                   ALTERNATE MEMBER PERSONS: Both alternates.

2                   CHAIR DORAN: That pretty much wraps it up.

3 Unless anybody has any other business, we can adjourn  
4 sine die, which means we don't really plan on ever  
5 meeting again unless the need arises.

6                   MEMBER CARNES: Mr. Chairman, and it's more  
7 of a procedural thing, I guess before we disappear for  
8 two years, I would like to have the opportunity to read  
9 the minutes of today's meeting. So I'm not sure what  
10 the proper procedure is for that.

11                  DEPUTY CLERK MONTOYA: Mr. Chair, Sam,  
12 that's not a problem.

13                  Once we get them, we can scan them in and  
14 we can email them out the way we did the last set of  
15 minutes. And we'll do the same thing to the Board  
16 members.

17                  MEMBER CARNES: But if we adjourn sine die,  
18 then we don't have the opportunity to correct.

19                  CHAIR DORAN: If there is a correction --

20                  MEMBER CARNES: If there is a correction.

21                  CHAIR DORAN: If there is a correction, you  
22 have the names and contact information for the entire  
23 board, alternates included, and of course Maggie's  
24 staff.

25                  MEMBER CARNES: From a formality

1     standpoint, would we be able to correct the minutes even  
2     though we've adjourned sine die, or do we need to --

3                   MADAME CLERK TOULOUSE:   Just because you've  
4     adjourned sine die doesn't mean that you cannot  
5     reconvene, if you so choose, in order to make a  
6     correction to the minutes.

7                   MEMBER CARNES:   Thank you.

8                   MADAME CLERK TOULOUSE:   It just means  
9     you're not scheduling a future meeting at this point.

10                  CHAIR DORAN:   That's it.   The important  
11     thing is that we're not scheduling a future meeting.  
12     But if something does happen, like if we did yes instead  
13     of no again, I imagine that could probably be  
14     accomplished by email.   I think that would fulfill the  
15     letter of the law.

16                  MADAME CLERK TOULOUSE:   Mr. Chairman,  
17     certainly if one of the members, in reviewing the  
18     minutes, were to catch a simple typo, it would be easy  
19     enough to fix.   If there was something more substantive  
20     that needed to be discussed and approved by the Board,  
21     at that point I would think of reconvening.   Because  
22     even making that decision over email would be, you know,  
23     an Open Meetings issue.

24                  DEPUTY CLERK MONTTOYA:   But then once you  
25     reconvene, you have to have minutes for that meeting.

1 It's a never-ending cycle.

2 MEMBER CARNES: Oh, good. So we can do  
3 this right through February of 2017.

4 CHAIR DORAN: A motion was made to adjourn.  
5 All those in favor?

6 ALL MEMBERS: Aye.

7 CHAIR DORAN: Any opposed?

8 Seeing none, we are adjourned.

9 [Meeting adjourned at 10:57 a.m.]

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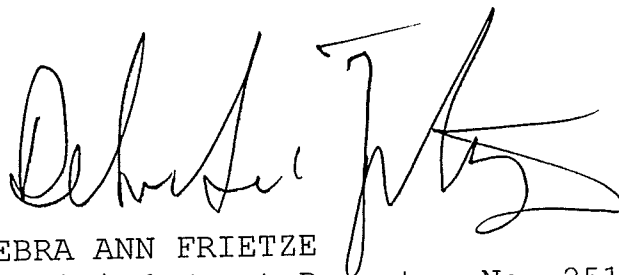


1 STATE OF NEW MEXICO.  
2 COUNTY OF BERNALILLO

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4  
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6  
7  
8 REPORTER'S CERTIFICATE

9  
10 I, DEBRA ANN FRIETZE, New Mexico Certified Court  
11 Reporter No. 251, do hereby certify that I reported the  
12 foregoing proceeding in stenographic shorthand and that  
13 the foregoing pages are a true and correct transcript of  
14 those proceedings and was reduced to printed form under  
15 my direct supervision.

16 I FURTHER CERTIFY that I am neither employed by nor  
17 related to any of the parties or attorneys in this case  
18 and that I have no interest in the final disposition of  
19 this case.  
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